

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 70400

Robert Michael Catron
P. O. Box 509
White Marsh, MD 21162

1906 Armco Way

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 15, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-4-201 (d), failure to store all garbage in approved rodent resistant watertight containers with tight fitting lids; 35-5-302 (a)(3), failure to maintain sanitary conditions, failure to keep premises free from rat infestation on residential property known as 1906 Armco Way, 21222.

On November 19, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Dan O'Neill issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 2, 2009 for proper storage of garbage in cans with tight lids and to cease rat infestation. This Citation was issued on November 19, 2009.

B. Photographs in the file of this investment property show bagged garbage on the ground and on the rear porch, and bagged garbage in cans without lids. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. All garbage must be properly stored in cans with tight lids. Notes in the file show that a \$25 ticket for improper storage of garbage was enforced against this property in November 2008.

C. Photographs in the file also show numerous large ratholes, rat runs and scattered debris in the area where the garbage cans are kept, indicating a very large and active rat infestation.

D. The property owner has not responded to the County's notices and there is no evidence that Respondent has taken appropriate action to exterminate the rats. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306. If Respondents do not abate the infestation and provide the County with appropriate documentation showing the action taken within the time provided below, the County will be authorized to enter the property for abatement at Respondents' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if reinspection by January 25, 2010 finds garbage properly stored and also finds that appropriate steps have been taken to exterminate the rat infestation, with appropriate documentation provided to the County.

IT IS FURTHER ORDERED that after January 25, 2010, the County may enter the property for the purpose of exterminating the rats and abating the infestation, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 24th day of December 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer